

07/07/99
16649 U.S. PTO

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Attorney's Docket Number: 06999.0001-01

07/07/99
08/31/99
U.S. PTO

Prior Application:

Art Unit: 1636

Examiner: I. Yucel

SIR:

This is a request for filing a **Divisional Application Under 37 C.F.R. § 1.53(b)** of pending prior application Serial No. 08/537,765 filed January 25, 1996 of Austin G. SMITH et al. for EXPRESSION OF HETEROLOGOUS GENES ACCORDING TO A TARGETED EXPRESSION PROFILE

1 x 1806
IDS
2/a
M.P.J.
8/16/99

1. ☒ Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 08/537,765 as originally filed on January 25, 1996.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☒ Cancel Claims 2-21.
4. ☐ A Preliminary Amendment is enclosed.
5. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

For	: Number Filed	: Number Extra	: Rate	: Basic Fee \$760.00
Total	:	:	:	:
Claims	: 1-20=	: 0	: x\$ 18.00=	: \$ -0-
Independent	:	:	:	:
Claims	: 1-3=	: 0	: x\$ 78.00=	: -0-
Multiple Dependent Claim(s) (if applicable)	:	:	: +\$260.00=	: -0-
Total				= : \$760.00
Reduction by 1/2 for				:
filing by small entity				: - -0-
TOTAL FILING FEE				= : \$760.00

6. ☒ A check in the amount of \$ 760.00 to cover the filing fee is enclosed.

7. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8. ☒ Amend the specification by inserting before the first line, the sentence:

– This is a division of Application Serial No. 08/537,765, filed January 25, 1996, ^{now US Patent 6,150,169.}

9. ☐ New formal drawings are enclosed.
10. ☒ The prior application is assigned of record to: The University of Edinburgh, Old College, South Bridge, Edinburgh EH8 9YL, Great Britain, recorded on January 16, 1996, at Reel 7853 and Frame 0154.
11. ☒ **Priority** of application Serial No. PCT/GB94/00849, filed on April 21, 1994 in Great Britain, Application No. GB9308271.7, filed on April 21, 1993 in Great Britain, Application No. GB9313323.9, filed on June 28, 1993 in Great Britain, and Application No. GB9401011.3, filed on January 20, 1994 in Great Britain, is claimed under 35 U.S.C. § 119.
☒ Certified copies are on file in the prior application.
12. ☐ A verified statement claiming small entity status
☐ is on file in the prior application.
13. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg.

No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. No. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Dirk D. Thomas, Reg. No. 32,600; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; and James B. Monroe, Reg. No. 33,971.

14. ☐ The power appears in the original declaration of the prior application.
15. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
16. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
17. ☐ Recognize as associate attorney _____

(name, address & Reg. No.)
18. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, Serial No. 08/537,765, filed January 25, 1996, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Leslie A. McDonell
Leslie A. McDonell
Reg. No. 34,872

Date: July 7, 1999

CPE/LAM:rdl